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SIEMENSPATENT
Attorney Docket No. 99P9028US01**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Inventor:	G. Merrill, et al.)		
Serial No.:	10/648,922)	Group Art Unit:	1725
Filed:	August 27, 2003)	Examiner:	J. Johnson

Title: HIGH TEMPERATURE EROSION RESISTANT COATING AND MATERIAL
CONTAINING COMPACTED HOLLOW GEOMETRIC SHAPESCommissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION OF GARY MERRILL
UNDER 37 CFR 1.132

1. I, Gary Merrill, a citizen of the Great Britain, hereby declare and state as follows:
2. I have been continuously employed by Siemens Westinghouse Power Corporation and its predecessor, Westinghouse Electric Corporation, since 1995. I am currently a Senior Engineer in the Materials Department, and work in the field of high temperature ceramic materials.
3. Prior to my employment by Westinghouse Electric Corporation, I was employed by Rolls Royce as an engineer for approximately seven years, working in the field of high temperature materials.
4. I received a bachelors degree in Materials Science & Engineering in 1988 from Brunel University, Great Britain (equivalent to a US masters degree). My combined academic and commercial experience in the field of materials science totals approximately sixteen years.

Serial No. 10-648,922

Atty. Doc. No. 99P9028US01

5. I understand that the USPTO Examiner has rejected certain claims in the above-cited application on the basis that the invention of those claims is anticipated and/or obvious by the teaching of Kamo (US Pat. No. 5,820,976). I understand that the Examiner's position is that the volcanic ash bubbles disclosed in Kamo have a wall thickness in the range of 50-500 micrometers.

6. On information and belief, I disagree with the Examiner's position that the volcanic ash bubbles disclosed in Kamo (composition: 80% SiO₂, 20% Al₂O₃) have a wall thickness in the range of 50-500 micrometers. The volcanic ash bubbles have an overall particle size of 10-90 microns. See col. 3 line 37. Thus, the bubbles have a wall thickness under 45 microns, and the wall thickness is quite likely toward the low end of a 2-40 micron range since bubbles are understood to be thin walled particles. Kamo also explains that "increasing particle size above the range shown will result in a coating that is too thick, not durable, and weakly bonded to the substrate." See col. 4 lines 30-32. Accordingly, it is my opinion that Kamo does not disclose or suggest volcanic ash wall thickness in the range of 50-500 micrometers.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or of any patent issuing there from.

Dated: 04/13/2005By: Gary B. Merrill

Gary Merrill